

REMARKS

In the outstanding Office Action, the Examiner objected to the specification and rejected claims 1-4 and 6. Applicants wish to thank the Examiner for indicating that claim 5 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. By this amendment, Applicants amend claims 1 and 3-6 and add new claims 7-10. With entry of this amendment, claims 1-10 are pending and under consideration.

Objection to the specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that “[t]he term ‘auxiliary’ is not found in the Specification, but is used in the claim language.” Office Action at page 2.

Applicants amend claims 1 and 3-5 to change the term “auxiliary” to the term “assistance.” The term “assistance” is disclosed in the specification (e.g., at line 10, page 4). Thus, Applicants respectfully submit that the objection to the specification should be withdrawn.

Rejection under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 6,275,459 to Obata et al. (“Obata”). Office Action at pages 2-3. Applicants respectfully traverse this rejection.

Initially, Applicants amend claim 1 to recite, in part:

[a] disk cartridge ejection mechanism for moving a disk cartridge from a loaded position in which information is recorded in and reproduced from a recording medium inside the disk cartridge, to a removal position in which the disk cartridge can be taken out from an information recording and reproducing apparatus, the disk cartridge ejection mechanism comprising:

a cartridge engagement device . . . ,

a cartridge engagement assistance device movable between a release position at which a release of an engagement of the cartridge engagement device with the disk cartridge is allowed, and a prevention position at which the release of the engagement of the cartridge engagement device with the disk cartridge is prevented, wherein while the disk cartridge is moved from the loaded position to the removal position the cartridge engagement assistance device is situated in the prevention position; and

a releasing device for moving the cartridge engagement assistance device from the prevention position to the release position, **after the disk cartridge is moved from the loaded position to the removal position.**

(Emphasis added.)

In comparison, Obata discloses "[a] disc apparatus which can easily perform emergency ejection operation." See, e.g., Obata abstract. Obata further discloses:

"[w]hen the cartridge 1 is ejected in the direction of the arrow b_2 to the retraction start position P_{12} , . . . the rear end 1d of the cartridge 1 is projected by a fixed amount to the outside of the cartridge insertion slot 13. . . if the rear end 1d is pinched from the outside of the cartridge insertion slot 13 to draw the cartridge 1 out of the optical disc apparatus 10 in the direction of the arrow b_2 , the hook 67 is rotated about the supporting pin 85 against the hook spring 87 to move away in the direction of the arrow e_1 from the state of FIG. 12, so that the cartridge 1 can be easily drawn out in the direction of the arrow b_2 ."

Column 9, lines 41- 53.

Thus, Obata discloses that **after** the rear end 1d of the cartridge is projected to the outside of the cartridge insertion slot 13, no part of the cartridge retraction device 65 moves and that the condition or status of the cartridge retraction device 65 remains unchanged until the rear end 1d is pinched from the outside of the cartridge (although the parts of the cartridge retraction devices 65 move and the condition or the status of the cartridge retraction device 65 changes **while** the cartridge is ejected to the outside of the cartridge insertion slot 13). In other words, Obata teaches that **after the disk cartridge is moved from the loaded position to the removal position**, no device in the cartridge retraction devices 65 moves from the prevention position to the release position. Therefore, Obata does not teach or suggest that “a releasing device for moving the cartridge engagement assistance device from the prevention position to the release position, **after the disk cartridge is moved from the loaded position to the removal position . . .**,” as recited by claim 1 (emphasis added).

Claims 2-4 directly or indirectly depend from claim 1. Therefore, Applicants respectfully assert that the Examiner’s rejection of claims 2-4 should be withdrawn for at least the same reason as for claim 1. Claims 7-9 directly or indirectly depend from claim 1. Therefore, Applicants respectfully assert that claims 7-9 would be allowable for at least the same reason as for claim 1.

Newly added claim 10 recites a similar element as the one discussed above for claim 1. In particular, claim 10 recites “a releasing device for moving the cartridge engagement assistance device from the prevention position to the release position, after the disk cartridge is moved from the loaded position to the removal position.” Thus,

Applicants assert that the same arguments above that apply to claim 1 similarly apply to claim 10. Therefore, Applicants respectfully submit that the claim 10 would be allowable for at least the same reason discussed above for claim 1.

Additionally, Applicants amend claim 6 to recite, in part:

[a] disk cartridge ejection method for moving a disk cartridge from a loaded position in which information is recorded in and reproduced from a recording medium inside the disk cartridge, to a removal position in which the disk cartridge can be taken out from an information recording and reproducing apparatus, the disk cartridge ejection method comprising:

holding the disk cartridge with a first holding force by which the disk cartridge is not moved further than the removal position by applying an additional urging force to the disk cartridge at least while the disk cartridge is moved from the loaded position to the removal position; and

thereafter holding the disk cartridge with a second holding force that is smaller than the first holding force by removing the additional urging force, **after the disk cartridge is moved from the loaded position to the removal position.**

(Emphasis added.)

As mentioned above, Obata discloses that **after** the rear end 1d of the cartridge is projected to the outside of the cartridge insertion slot 13, no part of the cartridge retraction device 65 moves and that the condition or status of the cartridge retraction device 65 remains unchanged.

Thus, Obata does not teach or suggest “thereafter holding the disk cartridge with a second holding force that is smaller than the first holding force by removing the additional urging force, **after the disk cartridge is moved from the loaded position to the removal position . . .**,” as recited by claim 6, as amended (emphasis added).

Therefore, Applicants respectfully submit that the rejection of claim 6 over Obata should be withdrawn for at least the above reason.

Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

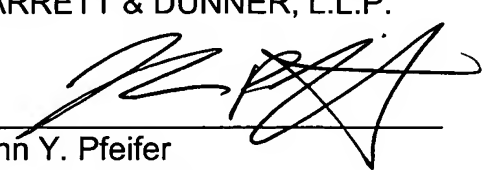
Please grant any extension of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 5, 2005

By: _____


John Y. Pfeifer
Reg. No. 52,120
Customer No. 22,852

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No.: EV 705247773 US

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

Date: July 5, 2005

Signed: _____


Theresa M. Vargas